

**PHARMACY EXAMINING BOARD
DRAFT MEETING MINUTES
JULY 27, 2011**

PRESENT: Jason Walker-Crawford, R.Ph.; Gregory C. Weber, R.Ph.; Timothy Boehmer, R.Ph.; Amy Mattila, R.Ph.; Jeanne Severson, R.Ph. and Charlotte Rasmussen

STAFF: Kelli Kaalele, Bureau Director; Karen Rude-Evans, Bureau Assistant; and other DRL staff

GUESTS: Gregory Unertl, Lakeshore Pharmacy/Holy Family Health Services; Michael Londo, Matt Frank, Matthew Richardson, Edward Heimstreet and Jocelyn Kerl, Walgreens Pharmacy; Mike Draeger, Serv-U Pharmacy; Delora Pufall; Gina Besteman, Women's International Pharmacy; Jamie Statz-Paynter, Dean Clinic Pharmacy; Jacob Olson, Skywalk Pharmacy; Emma Hynes, WI Alliance for Women's Health, DHS-MCH; Kevin Ruedinger, Pharmacy Resident; Jennifer Lewis, PPWI; Theresa Geier, Walmart Pharmacy; Sarah Sorum, PSW; Jeff Clinton, Roeschens; Mara Kieser, UW School of Pharmacy; Eric Knox, WI DOC; Paul Baum and Samantha Wilhorn, GHC; Jo Preston, RWHC; Meghann Lue and Anita Kashyop, PSW Students

CALL TO ORDER

Jason Walker-Crawford, Chair, called the meeting to order at 9:00 a.m. A quorum of six (6) members was confirmed.

ADOPTION OF AGENDA

Amendments:

- Administrative Rules Report – insert after page 52
- Memo from NABP regarding 2011 MPJE State-Specific Review – insert after page 84
- Case Status Report – insert after page 170

MOTION: Timothy Boehmer moved, seconded by Jeanne Severson, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES

Corrections:

- On page 3, under DISCUSSION REGARDING THE ACCEPTANCE OF ANOTHER COUNTRY'S EQUIVALENT TO FPGEE, delete "NAPLEX" and insert "NABP"

MOTION: Jeanne Severson moved, seconded by Timothy Boehmer, to approve the minutes of June 1, 2011 as corrected. Motion carried unanimously.

PRESENTATION OF STIPULATIONS

Attorneys from the Division of Enforcement presented proposed stipulations, final decisions and orders in the following cases:

- 1) 09 PHM 008 Patrick J. Steffek, R.Ph. - Attorney: James E. Polewski
- 2) 10 PHM 015 Kathleen M. Lind, R.Ph. - Attorney: Aaron Konkol
- 3) 10 PHM 035 Karen R. Pawlak, R. Ph. - Attorney: James E. Polewski
- 4) 10 PHM 056 Marsha D. Schleuter - Attorney: Susan Gu
- 5) 10 PHM 060 Peter A. Poskie, R.Ph. - Attorney: James E. Polewski
- 6) 10 PHM 067 Erik N. Overby, R. Ph. - Attorney: Chad Koplien

BUREAU DIRECTOR MATTERS

Kelli Kaalele provided the Board with an update regarding out-of-state travel.

INTRODUCTIONS, ANNOUNCEMENTS AND RECOGNITION

Ms. Kaalele reported that Pamela Phillips has been replaced by Charlotte Rasmussen. Lydia Thompson is the new Board Legal Counsel who has transferred from the Division of Enforcement to replace Michele Miller Hayes, who took a position in the private sector.

VARIANCE REQUESTS

LAKESHORE PHARMACY - DELIVERY VARIANCE

Gregory Unertl appeared on behalf of Holy Family dba Lakeshore Pharmacy.

MOTION: Gregory Weber moved, seconded by Jeanne Severson, to approve the variance request received from Holy Family dba Lakeshore Pharmacy with standard reporting requirements for January and July. Motion carried.

WHEATON ST. FRANCIS – SECURITY SYSTEM VARIANCE

Additional information was received and reviewed by the Board. No Board action was taken.

VARIANCE REPORTS

The following reports were received and noted:

Chartwell Midwest Wisconsin – Delivery Variance
Aurora Health Care – Tech-Check-Tech Variance

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

The Board discussed the Current and Future Rule Making and Legislative Initiatives and Administrative Rules Reports. The Board discussed the status of legislative initiative SB54 and companion AB74 relating to drugs that would be included on the controlled substance drug schedules. Jason Walker-Crawford updated the Board on the Pharmacy Examining Board issues that were before the legislature or included in the budget. Greg Weber and Charlotte Rasmussen met with Executive Assistant John Murray to discuss getting sponsors for legislation and to expedite the process.

PRACTICE QUESTIONS

The Board discussed practice questions related to the dispensing of contraceptives, expedited partner therapy and remote dispensing sites.

ITEMS FOR BOARD DISCUSSION

Acceptance of Another Country's Equivalent to Foreign Pharmacy Graduate Equivalency Examination (FPGEE)

The Board concluded that they could not accept another country's equivalent to the FPGEE. Pharmacist applicant Delora Pufall addressed the Board and asked for a variance to the rule. The Board determined Ms. Pufall should have her Canadian school's curriculum reviewed by an ACPE approved school to determine if her education is comparable to a ACPE approved school. Ms Pufahl must submit

this information at least 14 working days prior to September Pharmacy Examining Board meeting and must request the Board to review and act.

Approval of Variance Report Form

This item was tabled. Kelli Kaalele will update the format and send it out to the Board members.

Discipline Consistency Related to Dispensing Errors

The Board discussed discipline consistency related to dispensing and other errors. The Board would like to further discuss this issue with the Division of Enforcement.

Froedtert Letter Regarding Specialty Pharmacies

The Board reviewed the letter from Froedtert.

Medical College of Wisconsin and Healthier Wisconsin Partnership Program

The Board reviewed the information from the Medical College of Wisconsin and the Healthier Wisconsin Partnership Program. Jason Walker-Crawford will reply that the Board will not endorse this project at this time. Grant monies need to be received before the Board can begin rule-writing.

NABP/ACPE CPE Monitor

Sarah Sorum from the Pharmacy Society of Wisconsin addressed the Board regarding CE monitoring. Jill Remy questioned what information will be entered and available to the licensees and the Department. The Board would like all information on an ACPE certificate to be in the system. Licensees are not required to submit CE certificates to the Department unless there is an audit.

USP Recommendations on Prescription Container Labeling

The Board noted the information from U.S. Pharmacopeia recommendations of prescription container labeling.

LIAISON REPORTS

Reports Received:

- Credentialing Liaison – Tim Boehmer
- DOE Inspection – Amy Mattila
- DOE Monitoring – Jeanne Severson
- PAP – Jeanne Severson
- Practice Question – Jason Walker-Crawford and Greg Weber
- CSB Liaison – Tim Boehmer
- CE Liaison – Amy Mattila

INFORMATIONAL ITEMS

Bromday Notice

This item was noted by the Board.

Pharmacy Robberies Article

This item was noted by the Board.

WSJ Article on Data Mining of Drug Records

This item was noted by the Board.

CLOSED SESSION

MOTION: Jeanne Severson moved, seconded by Amy Mattila, to convene into closed session to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.). Roll call vote: Jason Walker-Crawford-yes; Gregory C. Weber-yes; Timothy Boehmer-yes; Amy Mattila-yes; Jeanne Severson-yes and Charlotte Rasmussen-yes. Motion carried unanimously. Open session recessed at 11:44 a.m.

RECONVENE TO OPEN SSESSION

MOTION: Amy Mattila moved, seconded by Charlotte Rasmussen, to reconvene into open session at 1:02 p.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

PATRICK J STEFFECK, RPH 09 PHM 008

MOTION: Timothy Boehmer moved, seconded by Charlotte Rasmussen, to adopt the findings of fact, conclusions of law, stipulation and order in the matter of 09 PHM 008, Patrick J. Steffek, R.Ph. Motion carried. Gregory Weber opposed.

KATHLEEN M LIND, RPH 10 PHM 015

MOTION: Amy Mattila moved, seconded by Timothy Boehmer, to adopt the findings of fact, conclusions of law, stipulation and order in the matter of 10 PHM 015, Kathleen M. Lind, R.Ph. Motion carried unanimously.

KAREN R PAWLAK, RPH 10 PHM 035

MOTION: Jeanne Severson moved, seconded by Amy Mattila, to adopt the findings of fact, conclusions of law, stipulation and order in the matter of 10 PHM 035, Karen R. Pawlak, R.Ph. Motion carried. Gregory Weber was recused during deliberation and abstained from voting.

MARSHA D SCHLEUTER, RPH 10 PHM 056

MOTION: Jeanne Severson moved, seconded by Timothy Boehmer, to adopt the findings of fact, conclusions of law, stipulation and order in the matter of 10 PHM 056, Marsha D. Schleuter, R.Ph. Motion carried. Gregory Weber was recused during deliberation and abstained from voting.

PETER A POSKIE, RPH
10 PHM 060

MOTION: Timothy Boehmer moved, seconded by Amy Mattila, to adopt the findings of fact, conclusions of law, stipulation and order in the matter of 10 PHM 060, Peter A. Poskie, R.Ph. Motion carried. Gregory Weber was recused during deliberation and abstained from voting.

ERIK N OVERBY, RPH
10 PHM 067

MOTION: Timothy Boehmer moved, seconded by Jeanne Severson, to adopt the findings of fact, conclusions of law, stipulation and order in the matter of 10 PHM 067, Erik N. Overby, R.Ph. Motion carried. Gregory Weber and Amy Mattila were recused during deliberation and abstained from voting.

PROPOSED ADMINISTRATIVE WARNING(S)

07 PHM 047

MOTION: Timothy Boehmer moved, seconded by Amy Mattila, to issue the Administrative Warning in the matter of 07 PHM 047 against respondents A.P. and J.W. Motion carried. Gregory Weber was recused during deliberation and abstained from voting.

CASE CLOSINGS

07 PHM 012

MOTION: Amy Mattila moved, seconded by Jeanne Severson, to close case 07 PHM 012 as to J.D. for insufficient evidence. Motion carried.

07 PHM 012

MOTION: Amy Mattila moved, seconded by Jeanne Severson, to close case 07 PHM 012 as to the pharmacy for no violation. Motion carried.

09 PHM 008

MOTION: Amy Mattila moved, seconded by Timothy Boehmer, to close case 09 PHM 008 as to all respondents for no violation. Motion carried.

10 PHM 008

MOTION: Amy Mattila moved, seconded by Jeanne Severson, to close case 10 PHM 008 for insufficient evidence. Motion carried.

ADJOURNMENT

MOTION: Gregory Weber moved, seconded by Charlotte Rasmussen, to adjourn the meeting at 1:07 p.m. Motion carried unanimously.